

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BRAINWAVE SCIENCE, INC.

Plaintiff,

- against -

21-cv-4402 (BMC)

ARSHEE, INC., DR. LAWRENCE A.  
FARWELL, DR. THIERRY MAISON and  
BRAIN FINGERPRINTING FOUNDATION

Defendants.

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**Paul F. Tomkins**, pursuant to 28 U.S.C. §1746, declares under penalty of perjury that the following is true and correct:

1. My name is Paul Forrest Tomkins. I am an attorney at law duly admitted to appear before this Court. I serve as In House Counsel for Plaintiff Brainwave Science, Inc. (hereinafter “Brainwave”). I appear as attorney of record for Brainwave in this matter.
2. On April 25, 2022, Defendant Lawrence A. Farwell was deposed in connection with this matter. Attached hereto as **Exhibit A** are true and accurate copies of pages 58, 59, 60, 61, 62, 89 and 90 from the transcript of Lawrence A. Farwell’s April 25, 2022 deposition.

3. On or about April 22, 2022, Defendant Farwell asserted to the undersigned in writing that he had provided all documents requested by Plaintiff in discovery. Plaintiff had not then, and has not to date, received documents responsive to its disclosure requests from Defendant Farwell.
4. By email of on or about April 24, 2022, the undersigned advised Defendant Farwell that no responsive documents had been produced. In response to Defendant Farwell's request for an extension, the undersigned further advised Defendant Farwell that, while Court rules do not permit the parties to extend the period(s) for discovery without an application to the Court for same, Plaintiff would not oppose an application for a reasonable extension time to complete discovery should Defendant seek same from the Court. The undersigned also emailed copies of outstanding disclosure requests (initial and supplemental) to Dr. Farwell on April 25, 2022.
5. By letter motion dated May 4, 2022, Farwell advised the Court that he had sustained a back injury while performing Kung Fu on the afternoon of April 25, 2022. While Plaintiff has received no documentation supporting Farwell's contention that he sustained such an injury, Plaintiff advised the Court that it does not oppose a reasonable extension of time for Farwell to respond to Plaintiff's Initial Demands and Plaintiff's Supplementary Demands (ECF #65).

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury the foregoing is true and correct.

Dated this 26<sup>th</sup> Day of May 2022

*Paul F. Tomkins*

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Paul F. Tomkins, Esq.  
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